IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 17579 of 2007(P)

PETITIONER:

CHAMMUNNI, S/O.PAKKAN, AGED 47 YEARS,
PULIMANNINKAL HOUSE, CHENNAKKAD P.O.,
PARUTHIPULLI, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

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1. STATE BANK OF TRAVANCORE, KUZHALMANNAM BRANCH, KUZHALMANNAM, PALAKKAD, REPRESENTED BY ITS BRANCH MANAGER, KUZHALMANNAM, PALAKKAD DISTRICT.

2. M/S.RAMACHANDRAN AND RAMACHANDRAN ASSOCIATES, SURYAKIRAN, COLLEGE ROAD, PALAKKAD.

3. THE SUB DIVISIONAL MAGISTRATE, PALAKKAD, PALAKKAD DISTRICT.

BY ADV. SRI.SATHISH NINAN
SRI.SANTHOSH MATHEW
R3 BY SPL.GOVT. PLEADER SMT.ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.17579 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of letter dtd.6.2.2007 of the 1st respondent- Bank.

Ext.P2: Copy of the order dtd.3.5.2007 of the 3rd respondent.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 17579 OF 2007 - P

Dated this the 15th day of June, 2007

J U D G M E N T

The petitioner challenges proceedings under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (for short 'the Act'). At the time of admission, I had granted an interim stay on condition that the petitioner pays an amount of Rs.75,000/- within one week from that date. The learned counsel for the respondents submits that the amount has not been paid.

2. It is settled law that proceedings under the Act have to be challenged before the Debt Recovery Tribunal as provided under the Act itself. The Supreme Court has repeatedly held that this Court shall not ordinarily entertain writ petitions challenging the proceedings under the Act. The petitioner has not made out any special circumstances warranting interference under Article 226 of the Constitution of India. The writ petition is dismissed, accordingly.

Sd/-
S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007